

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CR-338-D

UNITED STATES OF AMERICA)
)
 v.)
)
)
 DEVON LAMAR MARION,)
)
 Defendant.)

ORDER

On October 9, 2019, Devon Lamar Marion (“Marion” or “petitioner”), appearing pro se, moved to vacate the court’s June 19, 2019 order denying him relief under Amendment 782 to the United States Sentencing Guidelines [D.E. 109]. On October 22, 2019, Marion filed a supplemental pro se motion to vacate the court’s June 19, 2019 order [D.E. 110].

On November 4, 2015, Marion, through counsel, moved for relief under Amendment 782 [D.E. 103]. On June 19, 2018, the court denied Marion’s motion for a sentence reduction [D.E. 106]. On September 30, 2019, the court received a letter from Marion requesting status of his motion [D.E. 107] and the court sent a letter to Marion notifying him of the court’s June 19, 2019 order [D.E. 108].

The court has reviewed the entire record. In Marion’s latest motions, Marion states that because he did not receive the court’s June 19, 2019 order, he was unable to timely file a notice of appeal, and that the court should vacate its order to facilitate his filing of a timely notice of appeal. See [D.E. 109, 110]. The record belies the assertion. On June 19, 2019, the court sent a notice of electronic filing (“NEF”) to the attorneys of record, including Marion’s attorney, when the court docketed the June 19, 2019 order. See [D.E. 106]. Thus, these motions [D.E. 109, 110] lack merit and are denied.

In sum, Marion's motion to vacate [D.E. 109] and Marion's supplemental motion to vacate [D.E. 110] lack merit and are DENIED.

SO ORDERED. This 19 day of December 2019.



JAMES C. DEVER III
United States District Judge